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ZACHARY BOOK, DONALD COWART, and
DOUGLAS L. HARRIS

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

20 ZACHARY BOOK, DONALD COWART,
21 and JOHN MANNERS, individually and
on behalf of all others similarly situated.

22 || Plaintiffs

23 || v.

24 || APPLE INC.,

25 || Defendant.

Case No. 5:14-CV-04746-EJD

**JOINT STIPULATION AND [PROPOSED]
ORDER SETTING BRIEFING SCHEDULE
FOR MOTION TO DISMISS FIRST
AMENDED COMPLAINT UNDER L.R. 6-2**

Complaint Filed: October 24, 2014
Trial Date: None set

1 WHEREAS, Defendant Apple Inc.’s (“Apple”) response to Plaintiffs Zachary Book,
2 Donald Cowart, and John Manners (“Plaintiffs”) Complaint in the above-entitled action is
3 currently due on or before December 19, 2014;

4 WHEREAS, Plaintiffs intend to file a First Amended Complaint in this action, and shall
5 do so on or before December 19, 2014;

6 WHEREAS, the parties have agreed to a briefing schedule for Apple’s contemplated
7 motion to dismiss the First Amended Complaint (“Motion”), as follows: (1) Apple shall file its
8 Motion on or before January 29, 2015; (2) Plaintiffs shall file any opposition to the Motion on or
9 before March 5, 2015; (3) Apple shall file any reply to the Motion on or before March 19, 2015;
10 and (4) Apple will notice the hearing on the Motion for April 2, 2015.

11 WHEREAS, this change will not alter the date of any event or any deadline already fixed
12 by Court order;

13 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
14 Parties, through their respective undersigned counsel of record, that: Plaintiffs shall file their First
15 Amended Complaint on or before December 19, 2014; Apple shall have until January 29, 2015 to
16 file its Motion (or otherwise respond to the First Amended Complaint), Plaintiff shall have until
17 March 5, 2015, to file any opposition to the Motion, Apple shall have until March 19, 2015, to
18 file any reply to the Motion, and Apple will notice the hearing on its Motion for April 2, 2015.

19 IT IS SO STIPULATED.

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1 Dated: December 15, 2014

2 MATTHEW D. POWERS
3 O'MELVENY & MYERS LLP

4 By: /s/ Matthew D. Powers
5 Matthew D. Powers

6 Attorneys for Defendant
7 APPLE INC.

8 Dated: December 15, 2014

9 MICHAEL F. RAM
10 RAM, OLSON, CEREGHINO &
11 KOPCZYNSKI LLP

12 GARY E. MASON
13 STEVEN N. BERK
14 ESFAND NAFISI
15 WHITFIELD BRYSON & MASON LLP

16 By: /s/ Esfand Nafisi
17 Esfand Nafisi

18 Attorneys for Plaintiffs
19 ZACHARY BOOK, DONALD COWART,
20 and JOHN MANNERS

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ATTESTATION OF FILING

2 Pursuant to Local Rule 5.1(i)(3) regarding signatures, I, Matthew D. Powers,
3 hereby attest that concurrence in the filing of this Joint Stipulation and [Proposed] Order Setting
4 Briefing Schedule for Motion to Dismiss First Amended Complaint Under L.R. 6-2 has been
5 obtained from Esfand Nafisi with conformed signatures above.

Dated: December 15, 2014

By: /s/ Matthew D. Powers
Matthew D. Powers

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1 **[PROPOSED] ORDER**

2 The Court having considered the Joint Stipulation Setting Briefing Schedule for Motion to
3 Dismiss First Amended Complaint Under L.R. 6-2 submitted by the parties, and good cause
4 appearing:

5 1. The Stipulation is approved;

6 2. Plaintiffs shall file their First Amended Complaint on or before December 19, 2014;

7 3. Apple shall have until January 29, 2015, to file its Motion to Dismiss First Amended
8 Complaint or otherwise respond to the Second Amended Complaint (the “Motion”);

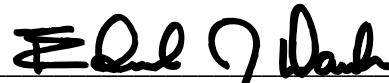
9 4. Plaintiff shall have until March 5, 2015, to file any opposition to the Motion;

10 5. Apple shall have until March 19, 2015, to file any reply to the Motion; and

11 6. Apple shall notice the hearing on its Motion for April 2, 2015.

12 **IT IS SO ORDERED.**

13 DATED: 12/17/2014

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17 Hon. Edward J. Davila
18 UNITED STATES DISTRICT JUDGE
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